

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:24-cv-00004-FDW**

HORACE KERSEY,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
)	
CATAWBA VALLEY MEDICAL)	
CENTER,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on Plaintiff’s “Injunction Relief” [Doc. 18], which the Court construes as a motion for preliminary injunction.

The incarcerated *pro se* Plaintiff filed a Complaint in this matter pursuant to 42 U.S.C. § 1983 on December 22, 2023, addressing medical treatment he allegedly received at Catawba Valley Medical Center in 2015 while he was incarcerated at Alexander Correctional Institution (“Alexander”) in Taylorsville, North Carolina.¹ [Docs. 1, 1-1]. Because Plaintiff’s Complaint appeared barred by the statute of limitations, the Court *sua sponte* required Plaintiff to file a memorandum explaining why his § 1983 Complaint is timely. [Doc. 14]. Plaintiff responded to the Court’s Order and the Court conducted initial review of Plaintiff’s Complaint. [Docs. 15, 16]. The Court dismissed Plaintiff’s Complaint without prejudice only as to Plaintiff raising his state law claims in state court and the case was closed. [Doc. 16 at 8].

Now before the Court is Plaintiff’s motion for preliminary injunction. [Doc. 18]. In his motion, Plaintiff states he is “in a state of duress” and that Lumberton CI is violating federal law


¹ Plaintiff is currently incarcerated at the Lumberton Correctional Institution (“Lumberton CI”) in Lumberton, North Carolina, which is located in the Eastern District.

by opening and making copies of Plaintiff's legal mail. [Id. at 1]. Plaintiff asks the Court to enjoin Lumberton CI from making copies of his legal mail. [Id. at 2]. The Court will deny Plaintiff's motion. This case has been closed and Plaintiff's motion is entirely improper here. If Plaintiff believes his constitutional rights are being violated by individuals at his current correctional facility, he may file a complaint setting out his claim and a motion for injunction relief in the proper Court, which is the Eastern District of North Carolina, not here. Plaintiff is admonished that any future improper motions filed in this proceeding may be summarily denied.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion [Doc. 18] is **DENIED**.

IT IS SO ORDERED.

Signed: April 2, 2024


Frank D. Whitney
United States District Judge

